



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

DEC 27 2006

RECEIVED

JAN 08 2007

DEQ
Planning Division

Ref: 8EPR-EP

Mr. Art Compton, Director
Planning, Prevention and Assistance Division
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Re: TMDL Approvals
Prospect Creek Metals

Dear Mr. Compton:

We have completed our review of the metals total maximum daily loads (TMDLs) as submitted by your office for the Prospect Creek TMDL Planning Area (TPA). The TMDLs are included in the document entitled Total Maximum Daily Loads for Metals in Prospect Creek Watershed – Sanders County, Montana, transmitted to us for review and approval in correspondence dated October 31, 2006 and signed by you. In accordance with the Clean Water Act (33 U.S.C. 1251 *et. seq.*), we approve all aspects of the metals TMDLs as developed for the Prospect Creek TPA. Enclosure 1 to this letter provides a summary of the elements of the TMDLs and Enclosure 2 provides details of our review of the TMDLs.

Based on our review, we feel the separate TMDL elements listed in Enclosure 2 adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety. In approving this TMDL, EPA affirms that the TMDLs have been established at a level necessary to attain and maintain the applicable water quality standards and has the necessary components of an approvable TMDL.

EPA has been in contact with the United States Fish and Wildlife Service (FWS) regarding whether and, if so, how the EPA's approval of the Prospect Creek TPA metals TMDLs may affect the continued existence of any endangered or threatened species listed under the Endangered Species Act (ESA) or the designated critical habitat of any such species. EPA has not determined that today's approval may have such an affect. Therefore, consistent with the terms of a consent decree in the lawsuit of Friends of the Wild Swan, et al., v. U.S. Environmental Protection Agency, et al., Civil Action No. CV99-87-M-LBE, United States District Court for the District of Montana, Missoula Division, EPA has decided to approve these TMDLs contingent upon the outcome of consultation with the FWS.



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Thank you for your submittal. If you have any questions concerning this approval, feel free to contact Ron Steg of my staff at (406) 457-5024.

Sincerely,

A handwritten signature in dark ink, appearing to read "Max H. Dodson", with a long horizontal flourish extending to the right.

Max H. Dodson
Assistant Regional Administrator
Ecosystems Protection and Remediation

Enclosures

cc:

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